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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/736,111

12/13/2000

Harri Pekonen

915.381

3667

4955

7590

08/24/2005

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EXAMINER

PIZARRO, RICARDO M

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/736,111	<b>Applicant(s)</b> PEKONEN, HARRI	
	<b>Examiner</b> Ricardo Pizarro	<b>Art Unit</b> 2661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 7-10 is/are allowed.
- 6) ☒ Claim(s) 5 and 11 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. New claim 11 has been added. 11 claims are now pending in the application

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No.6,580, 730 ( Loukianov) in view of admitted prior art.

Regarding claims 5 and 11, Loukianov discloses a Versatile slot assignment unit, comprising a device for triggering an uplink transmission in a cable modem, comprising: means for receiving a number of time indicators received in a downlink direction (the head end generates frames containing slot marks received downlink at the cable modem unit 320 in Fig. 3, col 5 lines 23-30), time indicator counting means for generating a time base which has an indication of to the time base provided by the received time indicators ( local time base generator 325 in Fig. 3, col 5 lines 31-32) , a slot counter coupled to said time indicator means so as to synchronize itself to said time base ( local slot counter 330 coupled to unit 325 in Fig. 3, col 5 lines 36-38) , and triggering signal generating means coupled to said slot counter for generating an uplink transmission triggering signal from the result given by said slot counter ( the slot

descriptor decoder 340 interprets the slot descriptor and performs the function which is assigned, typically by the headend, for this time slot. For example, the function assigned may be to trigger transmission , col 6 lines 65-67).

Loukianov did not specifically disclose synchronization of the slot counter to the shifted time base , neither it specifically discloses said time indicator being a time offset indicator, as in claims 5 and 11

Admitted prior discloses would be obvious that in a single cast MAC ranging and power calibration message to a cable modem the head end in the system would transmit time offset values and several rounds of calibration would be needed to find the correct values ( Background of the invention, page 2 lines 30-35). Additionally Louikianov discloses synchronization of the slot counter to the time base (col 5 lines 32-37) and that the synchronization message is used to adjust [shift] the time base ( col 5 lines 10-12), as in claims 5 and 11.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Loukianov reference by having the headend transmitting the offset values as disclosed in the prior art and that said adjustment performed by the synchronization message would modify the time base by adjusting [shifting] the time base in the system , in order to have the system adapted to different changing protocols.

The motivation to do so is of obtaining a controller device which can perform time critical tasks without an on board processor and accommodate the changing specifications in the protocol without modification of the hardware.

***Allowable Subject Matter***

4. Claims 1-4, 7-9 are allowed

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent No. 6,889,051 discloses a Method and apparatus for measuring time offset of a base station

6. Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection.

In regard to claim 6, applicant's arguments with respect to the rejection(s) of claim under USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

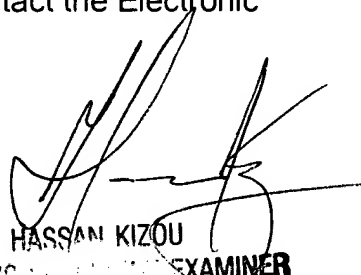
Hand-delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou** can be reached on (571) 272-3088

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/13/05  
Ricardo Pizarro



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